

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-28, and 52-61 are currently pending. Claim 3 has been canceled without prejudice; and Claims 1, 2, 4-18, 21, 52-54, and 58-61 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-28 and 52-61 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,990,927 to Hendricks et al. (hereinafter “the ‘927 patent”) in view of U.S. Patent No. 5,806,057 to Gormley et al. (hereinafter “the ‘057 patent”).

Amended Claim 60 is directed to a data sending receiving system having a sending apparatus and a receiving apparatus, the data sending receiving system comprising: (1) a first memory configured to store data including a plurality of content and supplementary information indicating a newness of the plurality of content; (2) a first interface configured to send and receive data; (3) a retrieval unit configured to retrieve the data stored in said first memory; (4) a first controller configured to control said first interface to receive request information for content from said receiving apparatus, wherein the retrieval unit is configured to retrieve the data stored in said first memory based on the request information, and said first interface is configured to send the data retrieved by said retrieval unit; (5) a second interface configured to send information and to receive data; (6) a second memory configured to store data; and (7) a second controller configured (a) to control said second interface to send said request information to said sending apparatus based on user input and to receive the data retrieved by said retrieval unit, (b) to check whether the received data sent from said sending apparatus includes new content, by checking the supplementary information, and (c) to add

only the new content included in the received data to the second memory automatically based on the results of the checking, wherein said first interface and said second interface are connected to an electronic communication network. The changes to Claim 60 are supported by the originally filed specification and do not add new matter.¹

Applicant respectfully submits that the rejection of Claim 60 is rendered moot by the present amendment to that claim.

Regarding the rejection of the claims under 35 U.S.C. §103(a), the Office Action asserts that the '927 patent discloses everything in Claim 60 with the exception of the second controller checking when the received data sent from the sending apparatus includes new content, by comparing the received data sent from the sending apparatus to data stored in the second memory, and relies on the '057 patent to remedy those deficiencies.

The '927 patent is directed to a set-top terminal for cable television delivery systems. As shown in Figure 1, the '927 patent discloses a network controller 214, an operations center 202, uplink sites 204, and a set-top terminal 220 operated by a remote 900. Further, the '927 patent discloses that the set-top terminal supports menu generation, picture-on-picture displays, program catalog services, interactive services, telephone caller identification, visual audio reception, VCR control, HDTV reception, and satellite system interoperability. Further, the '927 patent discloses that menu information and telephone numbers are stored at in the set-top box 220 for display and/or interface with the customer for ordering pay-per-view programs, for example.

However, Applicant respectfully submits that the '927 patent fails to disclose that the first memory is configured to store data including a plurality of content and supplementary information indicating a newness of the plurality of content, as recited in amended Claim 60.

¹ See, e.g., original Claim 3 and Figures 4 and 5 and the discussion related thereto in the specification.

Further, Applicant respectfully submits that the '927 patent fails to disclose a second controller configured to check whether the received data sent from the sending apparatus includes new content, by checking the supplementary information, as recited in amended Claim 60. Rather, as shown in Figure 22, the '927 patent merely discloses that the set-top box, which has a separate output for a VCR, can be programmed to record specific programs directly to the VCR. However, Applicant respectfully submits that the '927 patent is silent regarding appending of the supplemental data to the retrieved data and the checking of the supplemental data by the second controller, as recited in Claim 60.

The '057 patent is directed to a database management system for storing and manipulating data relating to recipients of a communication from one or more different contact persons, including (1) a memory device for storing data records relating to the recipients; and (2) a data processing device configured to organize the data records relating to the recipients and to store the data records in the memory device, wherein the records each comprise a recipient field for entering the name of the recipient, a title field, and a salutation field, wherein the processing device automatically generates a communication to be sent to the one or more contact persons. Further, as shown in Figures 15-22, the '057 patent discloses that a user can select whether to review particular records or add new records by data entry, or to "de-duplicate" various records. In particular, as discussed at column 12, the '057 patent discloses that, in the de-duplication process, new records that are entered manually or received via the importation function are scanned by a computer such that a "match key" is generated for each new record. Further, the '057 patent discloses that the computer examines records in the database for those records having a similar match key, and if the match key is found in the existing records, the new record is stored in a "temporary review database," otherwise the new record is inserted into the database. Further, the '057 patent discloses that, for those records that are placed in the temporary review database, the

user can either keep the similar existing record and discard the new record or vice versa, combine the records to create another new record, or keep both records.

However, Applicant respectfully submits that the '057 patent fails to disclose the first memory is configured to store data including a plurality of content and supplementary information indicating a newness of the plurality of content, as recited in amended Claim 60.

Further, Applicant respectfully submits that the '057 patent fails to disclose a second controller that is configured to check whether the received data sent from the sending apparatus includes new content, by checking the supplementary information, as recited in amended Claim 60. Applicant respectfully submits that the '057 patent is silent regarding storing supplementary information that indicates a newness of the content, and then, on the receiving side, checking whether the received data sent by the sending apparatus includes the new content by checking the supplementary information. Rather, the '057 patent merely discloses the computation of a match key and the checking of records in a database for the match key, but is silent regarding supplementary information that indicates a newness of stored content, as required by amended Claim 60.

Thus, no matter how the teachings of the '927 and '057 patents are combined, the combination does not teach or suggest a first memory that is configured to store data including a plurality of content and supplementary information indicating a newness of the plurality of content, as recited in amended Claim 60. Further, no matter how the teachings of the '927 and '057 patents are combined, the combination does not teach or suggest a second controller configured to check whether the received data is sent from the sending apparatus includes new content, by checking the supplementary information, as recited in Claim 60. Accordingly, Applicant respectfully submits that amended Claim 60 (and all associated dependent claims) patentably define over any proper combination of the '927 and '057 patents.

Independent Claims 1, 18, 58, 59, and 61 recite limitations analogous to the limitations recited in Claim 60. Moreover, Claims 1, 18, 58, 59, and 61 have been amended in a manner analogous to the amendment to Claim 60. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of Claims 1, 18, 58, 59 and 61 are rendered moot by the present amendment to those claims.

Further, Applicants note that the Office Action fails specifically to address many of the dependent claims in the present application. For example, Applicants note that Claim 8 recites limitations regarding the data quality of the data sent from the sending apparatus to the receiving apparatus. Claim 9 recites data with a data quality **lower** than a data quality of other data.

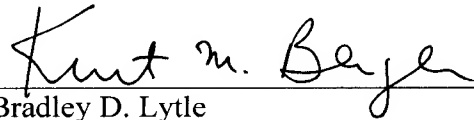
Applicants respectfully submit that this limitation has never been addressed and is not disclosed by any proper combination of the cited references. Thus, Applicants respectfully submit that a *prima facie* case of obviousness has not been established by the outstanding Office Action and that the finality of the Office Action should be withdrawn.

Thus, it is respectfully submitted that independent Claims 1, 18, 58, 59, 60, and 61 (and all associated dependent claims) patentably define over any proper combination of the '927 and '057 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, reading "Kurt M. Berger", is written over a horizontal line.

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